

142  
22/11

8

222

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE, 1998.

BEFORE

THE HON'BLE MR.JUSTICE H.L.DATTU.

WRIT PETITION NOS. 23217 & 23218/1993.

BETWEEN:-

1. Viswanath s/o Theerthappa,  
major, Assistant Teacher,  
Draupa<sup>4</sup>thi Kannada Primary School,  
Madnoor, Taluk. Aurad, Dist.Bidar.
2. Rajkumar, s/o Shama Rao,  
major, Assistant Teacher,  
Draupa<sup>4</sup>thi Kannada Primary School,  
Madnoor, Taluk.Aurad, Dist.Bidar. ..Petitioners

(By Sri.Basavaprabhu Patil., for petr.,)

AND:-

1. State of Karnataka,

..2..

by its Secretary,  
Education Department,  
Vidhana Soudha,  
Bangalore.

2. The Commissioner of Public  
Instructions, New Public  
Offices, Nrupathunga Road,  
Bangalore.

3. The Chief Secretary,  
Zilla Parishad,  
Bidar Dist. Bidar.

4. The Deputy Director of  
Public Instructions,  
Bidar District, Bidar.

5. The Assistant Education  
Officer, Bidar Dist., Bidar.

6. Santha Kabir Das Smaraka  
Samithi, Bidar, rep. by its  
President.

..respondents.

S.  
(By Sri. Udayashankar., AGA for R-1 to 5)  
^

Writ Petitions filed under Articles 226 and 227 of the Constitution of India with an affidavit praying to quash the condition at item No.4(b) in the order of R-3 dt. 23.9.91 vide Annexure-A to the effect that the staff appointed on or after 10.11.1987 are not entitled to salary until the financial embargo is relaxed by the Government and etc.,

Writ Petitions coming on for Hg. this day, the Court made the following:-

O R D E R

Petitioners in these writ petitions are teaching staff working in aided private educational institutions. They are before this court inter alia seeking directions to the respondents to accord certain service benefits including monetary benefits.

In my view, these reliefs cannot be granted by this court in view of the observations made by a Division Bench of this court in W.A.Nos.1833 to 1836/95 disposed off on 30.5.1998.

This court while considering the issue whether the staff (Teaching and non-teaching) working in

educational institutions run by private management can maintain writ petitions to claim financial aid from the State Govt. in the absence of Master and Servant relation and other incidental issues, was pleased to observe that the writ petitions filed by teaching and non-teaching staff of private educational institutions are not maintainable before this court.

Respectfully following the observations made in the aforesaid decision, these petitions are disposed off as not maintainable before this court for the reliefs sought therein. However, liberty is reserved to the petitioners to approach the proper forum as suggested by this court in the aforesaid decision. Ordered accordingly.

Taking into consideration the extraordinary circumstances pleaded by the learned counsel for the petitioners and keeping in view that the State Govt. has not provided an appeal or review or revision forum yet, I deem it proper to continue the interim orders granted by this court till the

226

State Government creates proper forum under  
the Education Act, for redressal of the  
grievance of the petitioners.

Sd/-Judge.

sns(o.s.)  
r.by: L  
c.by: 11/9/98

**COPY**  
U2

Assistant Registrar  
High Court of Karnataka  
Bangalore. 560001.

6.11.92.9-2



